

By Senator Gaetz

4-03002-08

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1 A bill to be entitled

2 An act relating to onsite sewage treatment and disposal
3 systems; amending ss. 381.0065 and 381.0068, F.S.;
4 providing that a member of local government who is
5 knowledgeable about domestic wastewater treatment be added
6 to the research review and advisory committee and the
7 technical review and advisory panel established by the
8 Department of Health for purposes of onsite sewage
9 treatment and disposal system regulation; providing an
10 effective date.

11
12 Be It Enacted by the Legislature of the State of Florida:

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14 Section 1. Paragraph (o) of subsection (4) of section
15 381.0065, Florida Statutes, is amended to read:

16 381.0065 Onsite sewage treatment and disposal systems;
17 regulation.--

18 (4) PERMITS; INSTALLATION; AND CONDITIONS.--A person may
19 not construct, repair, modify, abandon, or operate an onsite
20 sewage treatment and disposal system without first obtaining a
21 permit approved by the department. The department may issue
22 permits to carry out this section, but shall not make the
23 issuance of such permits contingent upon prior approval by the
24 Department of Environmental Protection, except that the issuance
25 of a permit for work seaward of the coastal construction control
26 line established under s. 161.053 shall be contingent upon
27 receipt of any required coastal construction control line permit
28 from the Department of Environmental Protection. A construction
29 permit is valid for 18 months from the issuance date and may be

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30 extended by the department for one 90-day period under rules
31 adopted by the department. A repair permit is valid for 90 days
32 from the date of issuance. An operating permit must be obtained
33 prior to the use of any aerobic treatment unit or if the
34 establishment generates commercial waste. Buildings or
35 establishments that use an aerobic treatment unit or generate
36 commercial waste shall be inspected by the department at least
37 annually to assure compliance with the terms of the operating
38 permit. The operating permit for a commercial wastewater system
39 is valid for 1 year from the date of issuance and must be renewed
40 annually. The operating permit for an aerobic treatment unit is
41 valid for 2 years from the date of issuance and must be renewed
42 every 2 years. If all information pertaining to the siting,
43 location, and installation conditions or repair of an onsite
44 sewage treatment and disposal system remains the same, a
45 construction or repair permit for the onsite sewage treatment and
46 disposal system may be transferred to another person, if the
47 transferee files, within 60 days after the transfer of ownership,
48 an amended application providing all corrected information and
49 proof of ownership of the property. There is no fee associated
50 with the processing of this supplemental information. A person
51 may not contract to construct, modify, alter, repair, service,
52 abandon, or maintain any portion of an onsite sewage treatment
53 and disposal system without being registered under part III of
54 chapter 489. A property owner who personally performs
55 construction, maintenance, or repairs to a system serving his or
56 her own owner-occupied single-family residence is exempt from
57 registration requirements for performing such construction,
58 maintenance, or repairs on that residence, but is subject to all

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59 | permitting requirements. A municipality or political subdivision
60 | of the state may not issue a building or plumbing permit for any
61 | building that requires the use of an onsite sewage treatment and
62 | disposal system unless the owner or builder has received a
63 | construction permit for such system from the department. A
64 | building or structure may not be occupied and a municipality,
65 | political subdivision, or any state or federal agency may not
66 | authorize occupancy until the department approves the final
67 | installation of the onsite sewage treatment and disposal system.
68 | A municipality or political subdivision of the state may not
69 | approve any change in occupancy or tenancy of a building that
70 | uses an onsite sewage treatment and disposal system until the
71 | department has reviewed the use of the system with the proposed
72 | change, approved the change, and amended the operating permit.

73 | (o) The department shall appoint a research review and
74 | advisory committee, which shall meet at least semiannually. The
75 | committee shall advise the department on directions for new
76 | research, review and rank proposals for research contracts, and
77 | review draft research reports and make comments. The committee is
78 | comprised of:

79 | 1. A representative of the Division of Environmental Health
80 | of the Department of Health.

81 | 2. A representative from the septic tank industry.

82 | 3. A representative from the home building industry.

83 | 4. A representative from an environmental interest group.

84 | 5. A representative from the State University System, from
85 | a department knowledgeable about onsite sewage treatment and
86 | disposal systems.

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87 6. A professional engineer registered in this state who has
88 work experience in onsite sewage treatment and disposal systems.

89 7. A representative from local government who is
90 knowledgeable about domestic wastewater treatment.

91 ~~8.7.~~ A representative from the real estate profession.

92 ~~9.8.~~ A representative from the restaurant industry.

93 ~~10.9.~~ A consumer.

94
95 Members shall be appointed for a term of 3 years, with the
96 appointments being staggered so that the terms of no more than
97 four members expire in any one year. Members shall serve without
98 remuneration, but are entitled to reimbursement for per diem and
99 travel expenses as provided in s. 112.061.

100 Section 2. Subsection (2) of section 381.0068, Florida
101 Statutes, is amended to read:

102 381.0068 Technical review and advisory panel.--

103 (2) The primary purpose of the panel is to assist the
104 department in rulemaking and decisionmaking by drawing on the
105 expertise of representatives from several groups that are
106 affected by onsite sewage treatment and disposal systems. The
107 panel may also review and comment on any legislation or any
108 existing or proposed state policy or issue related to onsite
109 sewage treatment and disposal systems. If requested by the panel,
110 the chair will advise any affected person or member of the
111 Legislature of the panel's position on the legislation or any
112 existing or proposed state policy or issue. The chair may also
113 take such other action as is appropriate to allow the panel to
114 function. At a minimum, the panel shall consist of a soil
115 scientist; a professional engineer registered in this state who

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116 is recommended by the Florida Engineering Society and who has
117 work experience in onsite sewage treatment and disposal systems;
118 two representatives from the home-building industry recommended
119 by the Florida Home Builders Association, including one who is a
120 developer in this state who develops lots using onsite sewage
121 treatment and disposal systems; a representative from the county
122 health departments who has experience permitting and inspecting
123 the installation of onsite sewage treatment and disposal systems
124 in this state; a representative from the real estate industry who
125 is recommended by the Florida Association of Realtors; a consumer
126 representative with a science background; two representatives of
127 the septic tank industry recommended by the Florida Onsite
128 Wastewater Association, including one who is a manufacturer of
129 onsite sewage treatment and disposal systems; a representative
130 from local government who is knowledgeable about domestic
131 wastewater treatment and who is recommended by the Florida
132 Association of Counties and the Florida League of Cities; and a
133 representative from the environmental health profession who is
134 recommended by the Florida Environmental Health Association and
135 who is not employed by a county health department. Members are to
136 be appointed for a term of 2 years. The panel may also, as
137 needed, be expanded to include ad hoc, nonvoting representatives
138 who have topic-specific expertise. All rules proposed by the
139 department which relate to onsite sewage treatment and disposal
140 systems must be presented to the panel for review and comment
141 prior to adoption. The panel's position on proposed rules shall
142 be made a part of the rulemaking record that is maintained by the
143 agency. The panel shall select a chair, who shall serve for a
144 period of 1 year and who shall direct, coordinate, and execute

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145 the duties of the panel. The panel shall also solicit input from
146 the department's variance review and advisory committee before
147 submitting any comments to the department concerning proposed
148 rules. The panel's comments must include any dissenting points of
149 view concerning proposed rules. The panel shall hold meetings as
150 it determines necessary to conduct its business, except that the
151 chair, a quorum of the voting members of the panel, or the
152 department may call meetings. The department shall keep minutes
153 of all meetings of the panel. Panel members shall serve without
154 remuneration, but, if requested, shall be reimbursed for per diem
155 and travel expenses as provided in s. 112.061.

156 Section 3. This act shall take effect July 1, 2008.